

AIR MAIL

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20th August 1985

Our ref: PAS/CS/25749

Dear Sirs,

Canadian Patent Application No. 431737  
Philip Morris Inc. PM 1039 - Our file:25749

**COPY**

Thank you for your letter of 4th April reporting an official action due for reply before 19th September. Thank you also for your reminder of 19th July.

Firstly, we enclose a copy of the front page of the granted U.S. Patent No. 4,497,330. It will be noted from this that there are two errors in the list of prior art given in the Canadian official action. Firstly, U.S. Patent No. 4,248,252 is in the name of Lendvay et al. Secondly, the U.S. Patent of Wochnowski which appears at the end of the list as 3,878,867 is correctly numbered, 3,978,867. It will also be noted that the U.S. Patent lists a further reference which is U.S. Specification 3,357,436 (Wright).

There is no corresponding U.K. Application but there is a European Application which has now been accepted but not granted. The publication number is 0099679. A copy of the European Search Report is attached.

Turning now to the objections raised to the claims, it seems that under your practice we must accept that claim 16 is not allowable and must be cancelled.

The requirement that the expressions OV and SV should be defined in the claims is something which we have to leave to you. The definitions at page 4, lines 7 and 21 are rather lengthy and we think it would be very much better if the claims could simply refer to those definitions.

The Examiner wants claim 3 to specify the SV characteristic. This was omitted because although there are broad statements concerning the constancy of the SV, the specific examples only seem to quote figures for OV and CV and thus do not provide any support for the broad statement relating to SV. In any case the constancy of the SV is not the result of any special step in the process but seems to be simply a consequence of the other conditions recited in the claim. The point is that the process is a stiffening process and not an expansion process.

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In the corresponding European case amendments were made before filing so that page 5, lines 24 and 26 did not refer to the SV value. Other references to SV value appear at page 7, lines 10 and 21 and 27, and at page 21, line 30.

We would prefer to keep claim 3 in its present form but if this is not possible then it should be amended in the last line to refer to the OV and SV values of the tobacco remaining substantially unchanged.

There is an error in the description of the drawings at the foot of page 6 and the head of page 7 where the descriptions of 4 and 5 have been transposed. We attach copies of pages 6 and 7 from the European case in which the necessary corrections have been made in the last two lines of page 6 and the first three lines of page 7. A corresponding amendment is at page 11, line 22 where Figure 4 should read Figure 5.

Please proceed with an amendment on the basis of the above instructions.

Yours faithfully,

Encs:  
Front page US spec.  
EPO Search Report  
Pages 6 & 7 from EPO

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